

The Senate Committee on State and Local Governmental Operations offered the following substitute to SB 7:

A BILL TO BE ENTITLED  
AN ACT

To amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 4304), an Act approved March 20, 1990 (Ga. L. 1990, p. 3900), an Act approved April 13, 1992 (Ga. L. 1992, p. 6137), and an Act approved May 12, 2015 (Ga. L. 2015, p. 3811), so as to change a definition regarding the Board of Ethics of DeKalb County to exclude certain employees and persons; to change the manner of appointment and terms of office of the members of the board; to provide for preliminary investigations by the board; to provide for related matters; to provide for contingent effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 4304), an Act approved March 20, 1990 (Ga. L. 1990, p. 3900), an Act approved April 13, 1992 (Ga. L. 1992, p. 6137), and an Act approved May 12, 2015 (Ga. L. 2015, p. 3811), is amended by revising paragraph (8) of subsection (b) of Section 22A as follows:

"(8) 'Official or employee' means any person elected or appointed to or employed or retained by DeKalb County or any agency, whether paid or unpaid and whether part time or full time. This definition includes retired employees or former county employees during the period of time in which they are later employed or retained by the county or any agency, but does not otherwise include retired employees or former county employees or persons elected or appointed to or retained by DeKalb County or any agency. This definition does not include superior and state court judges and their

immediate staffs, the district attorney, the solicitor of the state court, the clerks of the superior and state courts, magistrates, judges of the recorders court, the judge of the probate court, and their respective staffs."

## SECTION 2.

Said Act is further amended by revising subparagraphs (h)(2)(A) through (h)(2)(D) of Section 22A as follows:

"(2)(A) The members of the Board of Ethics in office on the effective date of this section shall serve until December 31, 2019, and then their terms shall terminate. A new board shall be appointed as provided in this paragraph to take office on January 1, 2020, and to serve for the terms prescribed in this paragraph.

(B) Not later than December 31, 2019, the members of the new Board of Ethics shall be selected as follows:

(i) Two members shall be appointed by majority vote of the DeKalb County legislative delegation in the House of Representatives of the Georgia General Assembly, which legislative delegation shall be composed of all Representatives in the Georgia General Assembly whose districts are wholly or partially located in DeKalb County;

(ii) Two members shall be appointed by majority vote of the DeKalb County legislative delegation in the Senate of the Georgia General Assembly, which legislative delegation shall be composed of all Senators in the Georgia General Assembly whose districts are wholly or partially located in DeKalb County;

(iii) One member shall be appointed by majority vote of the Commission;

(iv) One member shall be appointed by the judge of the Probate Court of DeKalb County; and

(v) One member shall be appointed by the chief judge of the Superior Court of DeKalb County.

(C) The members shall each serve for terms of two years; provided, however, that the initial terms of the first appointees of the chief judge of the Superior Court of DeKalb County and the judge of the Probate Court of DeKalb County shall each be one year.

(D) Successors to all members of the Board of Ethics and future successors shall be appointed by the respective appointing authorities not less than 30 days prior to the expiration of each such member's term of office, and such successors shall take office on January 1 following such appointment and shall serve terms of two years and until their respective successors are appointed and qualified. No individual may be appointed to more than two consecutive terms."

**SECTION 3.**

Said Act is further amended by revising paragraphs (4) and (5) of subsection (j) of Section 22A as follows:

"(4) Upon receipt of the complaint, the ethics officer shall provide the complaint to the Board of Ethics, which shall conduct a preliminary investigation to determine whether it meets the jurisdictional requirements as set forth in this section. The ethics officer shall provide administrative and other support to the Board of Ethics regarding each such preliminary investigation. If in the opinion of the Board of Ethics the complaint fails to meet these requirements, the ethics officer shall notify the person who filed the complaint and he or she shall have ten days from the date of notice to correct and refile the complaint directly with the ethics officer. A complaint which fails to satisfy the jurisdictional requirements as established by this section and by the rules and procedures established by the Board of Ethics shall be dismissed by the Board of Ethics no later than 30 days after the complaint is filed with the office of the ethics officer, unless extended by a majority vote of the Board of Ethics.

(5) If the Board of Ethics determines, after the preliminary investigation of a complaint, that there does not exist probable cause for belief that this section has been violated, the ethics officer shall so notify the complainant and the subject of the investigation, and the complaint will be dismissed. If the Board of Ethics determines, after a preliminary investigation of the complaint, that there does exist probable cause for belief that this section has been violated, the ethics officer shall give notice to the person involved to attend a hearing to determine whether there has been a violation of this section."

**SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.